

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES T. STEVENS,

Defendant.

OPINION AND ORDER

08-cv-687-bbc

06-cr-157-bbc

Defendant James T. Stevens has filed a timely postconviction motion under 28 U.S.C. § 2255, contending that his conviction is illegal because his court-appointed counsel was constitutionally ineffective and his plea of guilty was not voluntary, knowing and intelligent. He alleges also that in the event his career criminal classification is removed, he would be entitled to sentence reduction under the Sentencing Commission's Amendment 709 and he would be able to argue that his enhancement under the guidelines for role in the offense is improper. Finally, he adds that he is reserving the right to amend his motion once he receives the documents from his lawyer that he has been requesting.

From correspondence defendant has sent me, I am aware that he believes that his court-appointed lawyer has not sent him the contents of his file. Counsel has advised

defendant and the court that he has sent everything that defendant has asked for. Because it is possible that the mailings have not caught up with defendant, I will give him thirty days or until December 30, 2008 from the date on which he filed his motion in which to amend the motion.

ORDER

IT IS ORDERED that defendant James T. Stevens may have until December 30, 2008, in which to amend his motion for postconviction relief. If he does not submit any amendment by that date, the court will consider that the motion is ready for consideration by the court.

Entered this 5th day of December, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge